

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PLATINUM-MONTAUR LIFE SCIENCES LLC, :
 :
Plaintiff, :
 :
v. :
 :
NAVIDEA BIOPHARMACEUTICALS, INC., :
 :
Defendant. :
----- X

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17-CV-9591 (VEC)

ORDER


VALERIE CAPRONI, United States District Judge:

WHEREAS the Court of Appeals for the Second Circuit has issued a mandate remanding the case to this Court “to conduct further proceedings, if any, as it deems appropriate,” Dkt. 49-1;

IT IS HEREBY ORDERED that the parties must appear for a status conference on **January 24, 2020, at 10:00 A.M.** The parties must submit a joint pre-conference letter on or before **January 16, 2020**, setting forth the parties’ position(s) on next steps. In particular, the parties should address the two options discussed by the Second Circuit, namely whether this Court should “remand[] the case to state court because Navidea had failed to allege complete diversity of citizenship or to establish diversity through discovery,” or “order further discovery to determine whether there was complete diversity of citizenship,” an action that should be taken “with caution.” Dkt. 49-1 at 11–12. If the parties consent to remand to state court, they may submit a proposed order and request that the Court adjourn the status conference.

SO ORDERED.

Date: December 19, 2019
New York, NY


VALERIE CAPRONI
United States District Judge